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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 21**

**ANIMALS**

**ANIMAL HEALTH**

**The Bovine Viral Diarrhoea (Scotland) Amendment Order 2013**

<i>Made</i>	- - - -	<i>24th January 2013</i>
<i>Laid before Parliament</i>		<i>28th January 2013</i>
<i>Coming into force</i>	- -	<i>9th February 2013</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 1, 8(1) and 83(2) of the Animal Health Act 1981(a) and all other powers enabling them to do so.

**Citation and commencement**

1. This Order may be cited as the Bovine Viral Diarrhoea (Scotland) Amendment Order 2013 and comes into force on 9th February 2013.

**Amendment of the Bovine Viral Diarrhoea (Scotland) Order 2013**

2. The Bovine Viral Diarrhoea (Scotland) Order 2013(b) is amended in accordance with articles 3 to 7.

3. In article 9 (obligations to sample and submit for testing)—

- (a) in paragraph (1), after “comply with” insert “the obligations, so far as applicable to that keeper, in”; and
- (b) after paragraph (1) insert—

“(1A) Paragraph (1) does not apply in the case of a breeding bovine animal which, so far as known by the keeper, is a bovine animal which has previously tested negative for the presence of BVDV or is the maternal antecedent of any animal which has previously tested negative for the presence of BVDV.”.

4. In article 11 (taking of samples)—

- (a) in paragraph (1) omit “or breeding bovine animal”;

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(a) 1981 c.22. Powers to make Orders under these sections were originally conferred on “the Ministers”, as defined in section 86(1) of the Animal Health Act 1981. The functions of the Ministers were, so far as within devolved competence, transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.S.I. 2013/3.

(b) after paragraph (5) insert—

“(5A) The keeper of a breeding bovine animal must take (or arrange to have taken) from the animal—

- (a) an ear tag sample of tissue taken in accordance with paragraphs (6) and (7A); or
- (b) a sample of blood.”;

(c) for paragraph (6)(b)(ii) substitute—

“(ii) in the case of a sample taken from a breeding bovine animal or a bovine animal in a breeding herd, is notified along with the animal’s ear tag number required by article 14(3)(b)(v), (va) or (vi) when the sample is submitted.”;

(d) in paragraph (7), omit “or breeding bovine animal”; and

(e) after paragraph (7) insert—

“(7A) For the purposes of paragraph (5A) the keeper of a breeding bovine animal must not take (or arrange to have taken) an ear tag sample of tissue from that animal if such a sample has previously been collected from a management tag from it.”.

5. For article 12(1) (decision on type of sample to take) substitute—

“(1) Subject to paragraph (2)—

- (a) the keeper of a breeding herd may take and submit (or arrange to have taken and submitted) a sample or samples described in article 11(2) (other than a sample described in article 11(2)(d)) without consulting a veterinary surgeon;
- (b) the keeper of a breeding bovine animal may take and submit (or arrange to have taken and submitted) a sample as described in article 11(5A) (other than a sample described in article 11(5A)(b)) without consulting a veterinary surgeon.”.

6. In article 14(3) (submission of samples), after sub-paragraph (b)(v) insert—

“(va) in the case of a sample described in article 11(5A), the ear tag numbers from ear tags applied under the 2007 Regulations to the animal from which the sample derives;”.

7. In article 17(5) (duties of operators of approved laboratories – breeding herds or breeding bovine animals), after sub-paragraph (g) omit “and” and insert—

“(ga) in the case of a sample described in article 11(5A), the ear tag numbers from ear tags applied under the 2007 Regulations to the animal from which the sample derives; and”.

*RICHARD LOCHHEAD*  
A member of the Scottish Government

St Andrew’s House,  
Edinburgh  
24th January 2013

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order corrects errors in the Bovine Viral Diarrhoea (Scotland) Order 2013 (“the 2013 Order”).

Article 4(b) inserts a new article 11(5A) into article 11 of the 2013 Order to make provision for the taking of samples by (or on behalf of) a keeper of a breeding bovine animal not forming part of a herd, for the purposes of determining whether bovine viral diarrhoea virus is or may be present in the animal.

Articles 4 (other than article 4(b)), 5, 6 and 7 respectively amend articles 11, 12(1), 14(3) and 17(5) of the 2013 Order in consequence of the amendment made by article 4(b).

Article 3 amends article 9 of the 2013 Order to provide an exemption from the sampling and testing obligations applicable to a keeper in respect of certain breeding bovine animals.

No business and regulatory impact assessment has been prepared for this Order as no further impact on business, charities or voluntary bodies is foreseen.

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